

In the Consistory Court of The Diocese of Bath and Wells

Re: The Church of All Saints, Wrington

Judgment

Introduction

- 1 All Saints Church, Wrington is a handsome Grade I listed building, mediaeval in origin, with a spacious interior and a tall West tower; Pevsner in “The Buildings of England, North Somerset and Bristol” is particularly appreciative of the external architecture of the tower. It is with the area at the internal base of the tower that this judgment is particularly concerned. In 2015 as part of a reordering project the ground floor of the tower was converted into a vestry, shielded from the nave by a wooden screen situated neatly within the tower arch. The vestry itself was equipped with a wooden floor and various cupboards. Beneath the floor was included a foul drainage connection, not utilised at that time but designed to await any possible future need.
- 2 Unfortunately it has been discovered that the joisted wooden vestry floor has become infested with death watch beetle, necessitating repair. This will involve the replacement of the current floor with stone brought to the level of the paving in the nave, together with various consequential works. At the same time, the opportunity has arisen to insert in the vestry a lavatory cubicle with disabled access, taking advantage of the existing drainage connection.
- 3 The two associated projects are the subject of the petition dated August 20th 2025 and presented by the Rector, the Reverend David Gent together with the two churchwardens, Mr Andrew Whiting and Mrs Gabrielle Wilson. The aggregate cost of the works is estimated at £94,000 according to paragraph 4 of the petition.
- 4 The petition attracted a substantial level of opposition. Four parishioners, Mrs Sarah Avery, Mr Andrew Densham, Mrs Fiona Densham and Mr John Ledbury, have been joined in the proceedings as parties opponent while a further 15 letters of objection were sent to the Registry (one of these letters being withdrawn subsequently). Most of opponents of the proposals have a connection with Wrington Church extending over many years, and several have served as church wardens or in other important roles within the parish. Their loyalty to and affection for, their parish church stands out in all that they have written.

- 5 Inevitably there are differences of attitude among those who have responded to the petition. A direction was therefore given that the parties opponent should agree joint particulars of objection; in compliance a letter of October 31st 2025 signed by Mr Ledbury on behalf of all the parties opponent has been filed as their particulars of objection. While this letter stands as one of the key documents in the case, account has also been taken of the letter of objections from those who elected not to become parties opponent. In reply the Petitioners have lodged a response dated November 16th 2025 which is signed by each of them.

The Issues to be Determined

- 6 Although some objectors have challenged the need for any additional toilet facilities, given the availability of those in the Reading Room outside the churchyard, the majority, together with the Petitioners, recognise that convenient facilities are required if the church building is to fulfil its potential for worship, mission and community use. Thus the particulars of objection indicate that,

“At the outset we wish to point out that we are not objecting to the concept of a W.C. within the Church grounds, but not in the Vestry of a Grade I Listed Building”.

- 7 This realistic concession reflects the experience in many churches where such provision for the comfort of those who use the building has led to growth and has reinforced the contribution of the church to the life of the community. For the purposes of this judgment the need for change at least to the extent accepted by the parties opponent, cannot realistically be disputed.

- 8 Likewise, despite the reluctance among the objectors to concede the principle of a lavatory within an outstanding historic building, there can be no arguable case, based on the guidance in re. Alkmund, Duffield [2013] Fam 158, that harm will result from the proposed change. The absence of potential harm is evident from the supportive attitude of the statutory consultees. Of these, the Victorian Society made no substantive response. Rachel Broomfield on behalf of the Society for the Protection of Ancient Buildings wrote on July 11th 2025,

“I can confirm that we are generally content with the proposals...”

While Matthew Saunders for Historic Buildings and Places simply observed on May 22nd 2025,

“This is a scheme where I think we would not raise concerns”.

For his part Simon Hickman of Historic England commented (December 15th 2023),

“As the existing vestry is a modern addition, the revised internal arrangements to accommodate a W.C. would have little impact on the significance of the building”.

- 9 Had any issue of harmful intervention arisen it would undoubtedly have been recognised and made the subject of comment by those consultees. Moreover, at diocesan level no questions of harm has been identified by the Diocesan Advisory Committee in respect of the vestry as a location. While there is no evidence of harm (in the Duffield sense) upon which the objectors can rely, it is open to them, as they have done, to contend that the vestry is, in other respects, an unsuitable place for a lavatory.

- 10 The difference between the parties is further narrowed by the document dated July 31st, 2024 prepared by the W.C. committee and headed

“Assessment of advantages and disadvantages of six toilet locations including attached and remote options”.

This is a helpful summary of the potential sites and does not purport to enter into detail. Of the six identified, the Reading Room (No. 6) simply maintains the status quo. Number 4 and 5, respectively an external structure against the North tower and an internal North door lobby and W.C., would both face serious objection in terms of harm to the listed building, and on that ground alone each has to be discounted. Number 2, extending the vestry into the nave, would encroach upon space needed for other purposes as well as spoiling the arrangement of the screen in relation to the tower arch. There remains Number 1, the petitioners’ proposal; and Number 3, a new external building in the churchyard where sheds currently stand, which has the support of the parties opponent. On the basis of the representations made, the Court has to decide, for the purpose of selecting a location, between Number 1 and Number 3.

- 11 Finally, it is common ground that the beetle attack must be addressed and the floor repaired. While the parties opponent see the cost of repair as a justification for economy regarding the provision of a lavatory, for the petitioners the removal of the wooden floor is an opportunity not to be missed providing their scheme for internal facilities receives approval.

Location

- 12 Neither of the remaining potential sites, in the churchyard or within the tower is ideal; each presents disadvantages, so some realistic balance has to be struck in deciding between them. Thus far, the tower solution has the support of the All Saints Committee, by a substantial majority of 12 (with one abstention and one non-voting absentee) that body having the delegated powers of the Parochial Church Council in the united benefice of Wrington with Langford and Redhill. Moreover, following a delegation visit the D.A.C. on August 7th 2025 issued its formal advice recommending the tower as the preferred location. As recorded in paragraph 8 above, Historic England and the relevant amenity societies are of the same opinion. Against that, the petition has generated an unusually substantial volume of local opposition.
- 13 Proponents of the churchyard location have suggested that a new building would be the less expensive solution. There are, however, no financial costings to support this contention, while the ongoing cost of the services to, and maintenance of, a self-standing structure are in the longer term likely to offset any immediate saving. The chances of any useful economy are too speculative to carry any weight.
- 14 A fresh construction in the churchyard would require planning permission. The outcome of a planning application would be uncertain, not least because the facilities sought could be accommodated within the footprint of an existing building (namely the church itself). Matters are further complicated by the presence of the church and churchyard within the conservation area of Wrington, which itself operates as a constraint upon fresh building and, where development is permitted, the quality of design and materials. The petitioners are rightly wary of embarking upon a slow and unpredictable planning process.

- 15 The remaining points in favour of the churchyard location focus upon the disadvantages of the tower vestry. Thus the available space in the vestry is undoubtedly limited, whereas a new building would not suffer from this problem, and might indeed be extended for storage purposes. While there is some validity in the argument, careful design has mitigated the reduction in the floor area. The relevant plan (No. 0104.WD.020) prepared by the architects Benjamin & Beauchamp demonstrates that, despite some sacrifice of cupboard accommodation on the Northeast side, and a reduction in floor area, the vestry would remain of workable proportions. Furthermore, the unit currently blocking the West doors would be converted to a movable item of furniture, enabling the doorway to be opened. Means have also been devised (see the Note of June 10th 2025) for removal of the bells from the tower by making part of the lavatory cubicle demountable.
- 16 Criticisms are also directed to noise and odour from the facility, and access to it when the vestry is locked. These are, however matters which may be addressed by day to day management of the area and do not, of themselves, present insuperable difficulties.
- 17 On balance the tower vestry is to be regarded as the preferred location. Hidden by the tower screen, its position does not intrude upon the historic nave or the churchyard, and is reasonably remote from activities within the building. Along with the remainder of the vestry arrangements, the layout is fully reversible without harm to the surrounding architecture.

Safeguarding

- 18 An advantage asserted for the tower vestry solution in the assessment document of July 31st 2024, is that care and safeguarding responsibilities are met in full. This is roundly condemned in the particulars of objection as,

“An exaggerated view of the safeguarding issues used as a means of ignoring realistic outside alternatives all at a likely lesser cost”.

Quite apart from the emphasis now put upon safeguarding in the life of the Church of England, the practicalities have been explained in the letter of October 7th 2025 from Sarah Joskey, the Head Teacher of Wrigton Church of England Primary School. Pupils of the school, she recounts, visit the church for a variety of activities; the letter continues,

“All these things are currently made significantly more difficult by the current toilet arrangements. Currently, as the toilet is situated outside the churchyard, down a residential lane beside a road, children have to be accompanied (sometimes by more than one member of staff) to access this facility. This then reduces the levels of adults for supervision inside the church, as well as taking additional time for the group to leave and return, impacting on the children’s participation of the lesson..... It would be such a wonderful addition to the facilities of the church to have a toilet on site in order that staff and children could remain within the church building during school activities, with easy access to such facilities”.

The need, on the grounds of care and safeguarding, to escort young children to the Reading Room applies equally to an isolated building (as proposed in option 3) in the churchyard but some 60 metres from the church and close to the churchyard gateway. Conversely, safety is maximised if the pupils can be kept under supervision within the church. Since engagement with the school is an essential feature of the role of the church within the community, the petitioners have rightly attached importance to safeguarding as a justification for option 1. The

argument of the parties opponent, that safeguarding has been used as a pretext for the petitioners' favoured scheme, must be rejected in the light of the explanation given in the letter of October 7th, 2025.

Extent of Consultation

- 19 The particulars of objection allege that there has been a lack of direct consultation with the congregation and the inhabitants of the village, leading to option 1 being presented as a fait accompli. Closely connected with this allegation is the suggestion that the process has been rushed in order to avoid the imminent imposition of Value Added Tax upon the works.
- 20 With regard to consultation within the parish, the petitioners responded that,
"In February 2024 a public meeting was held in All Saints' church to discuss the plans and invite questions. The church's subsequent response to the questions raised were displayed inside the church, and in the south porch for over 7 months".
The petitioners claim that there has been "a full open and transparent consultation on the proposal".
- 21 Plainly there is a difference of perception concerning the level of public consultation. It is possible that greater interaction with the congregation and residents might have avoided some of the misconceptions, for example with regard to the impact upon the traditional appearance of the building, which feature in the objectors' letters. Even so, the question arises, what difference to the outcome would more extensive consultation have made? In the event, the petitioners have produced a scheme which has been favoured by the D.A.C., Historic England and the amenity societies and has been accepted by this Court as the least disadvantageous of the possible solutions. Further discussion at parish level is unlikely to have been productive, since the petitioners had good reason to adhere to their preferred scheme even in the face of opposition.
- 22 In fairness to the parties opponent, they may have been unaware, when complaining of undue haste, that the petitioners' project has evolved over a number of years. Dr Jonathan Foyle, the acting Church Buildings Advisor, wrote in his letter of June 5th 2023 that what was, in effect, the present option 1 was under active consideration and that the church architect had already been commissioned to prepare plans. Option 1 then featured, in its current form, in the assessment document of July 31st 2024. The written advice of the D.A.C., based on Option 1, is dated August 7th 2025, thereafter the legal processes followed their normal course. While the project was coming to fruition the P.C.C. also consulted Historic England and the amenity societies, and received a delegation visit from the D.A.C. as well as input from the Church Buildings Advisor. Accordingly it is clear that the development of the project has extended over a period in excess of two years and has involved a high level of consultation with advisory organizations and individuals. There is no evidence that the rate of progress was influenced by the imminent withdrawal of the Listed Places of Worship Scheme and its resultant tax burden.

Finance

- 23 The particulars of objection dwell in some detail upon the means of funding the two elements (the floor and the lavatory) which appear in the petition. It is questioned whether the lavatory is affordable.
- 24 All Saints, Wrigton is in the unusual situation of having access to substantial capital reserves, notably the Brook House Fund, with an aggregate value in excess of £300,000. Some of the capital, including a proportion of the Brook House Fund, may only be used for repairing the church; in the present context, the replacement of the vestry floor. Furthermore, spending of capital inevitably diminishes the income otherwise derived from it, and the income from investments, collections and donations has been a matter of ongoing concern with the accounts of several recent years showing deficits.
- 25 It is against this background that the submissions of the parties on financial aspects of the case must be considered. The role of the Consistory Court in this respect is limited, because by Section 4(1)(ii)(a) of the Parochial Church Councils (Powers) Measure 1956 there is vested in the PCC power, duties and liabilities with respect to,
- “The financial affairs of the Church including the collection and administration of all moneys raised for church purposes”.*
- Democratic control of the finances is underpinned by the requirement in the Church Representation Rules that the year’s financial statements shall be open for discussion at the Annual Parochial Church Meeting (See Part 9, Rule M5(i)(c) of these Rules).
- 26 The Consistory Court will not override the PCC in the exercise of its wide statutory powers in determining how money is to be raised or spent. The financial information to be given in paragraph 4 of the faculty petition is directed to the narrower issue of the adequacy of money required for the task in hand. With that issue the Court is concerned because it will not sanction works or purposes which on their face are doomed to failure for lack of funds. Where money is to be raised after the faculty has been granted, a condition is likely to be imposed requiring a minimum level of funding before all or part of the work may be commenced.
- 27 Applying the principles summarised in paragraphs 25 and 26 to the particulars of objection and the petitioners’ response, it is clear that the principal objections, notably the dissipation of capital, and spending upon the foul drainage connection and architect’s fees from the capital accounts, fall within the remit of the P.C.C. in the exercise of its administrative powers. The Court will not interfere with the control of the P.C.C. over these matters. In so far as the parties opponent have expressed the fear that the lavatory project will simply run out of money, the petitioners have, however, a case to answer. They have sought to do so in their response.
- 28 Of the estimated aggregate cost of £94,000 (which includes a 10% allowance for contingencies) the petitioners expect a contribution of £44,000 from capital funds to cover the cost of the vestry floor as a repair item. The balance of £50,000 is intended to be raised from various sources such as gifts, pledges and grant funding without recourse to the assets of the church or its regular income. Thus far, the petitioners’ appeal for money has met with reasonable success,

and (in line with experience elsewhere) it is expected that more contributions would be forthcoming after a faculty had been granted.

- 29 The petitioners' expectations, while realistic, might remain unfulfilled. For example, the P.C.C may not allocate capital to the vestry floor; pledges which are not contractually binding may remain unpaid; grant funding may be directed elsewhere. The appropriate means of catering for such contingencies is the imposition of a faculty condition that the projected works shall be divided into convenient phases and operations in relation to each phase shall not commence until at least 75% of the funding applicable to that phase has become available.

Conclusion

- 30 Despite the written submissions ably deployed by the parties opponent and supported in the letters of the remaining objectors, it has been concluded in this judgment that the weight of expert advice, and at least on balance the practical advantages associated with the petitioners' preferred plans, justify the grant of a faculty for the interior lavatory cubicle. A faculty will accordingly pass the seal as prayed. The faculty will also extend to the uncontentious floor repairs. There will be a condition in terms set out in paragraph 29 and a further condition for archaeological oversight of works to the floor or other excavations.
- 31 The Court fees must be paid by the Petitioners, since in this Diocese funding by the Board of Finance does not extend to contested cases such as the present. An order for costs may only be awarded against the parties opponent if they have acted unreasonably. In the present case, although their intervention has been unsuccessful, their submissions have assisted the Court and they have adhered to the directions designed to save costs. As between the petitioners and the parties opponent, each must therefore bear their own costs.

Timothy Briden, Chancellor

Dated the 2nd day of January 2026